

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Correct Errors and Inconsistencies in the Fish and Game Laws. (S. P. 645) (L. D. 1980)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act Reforming the Administration of the Property Tax and Replacing the Tax on Inventories with an Increased Corporate Income Tax" (H. P. 1384) (L. D. 1862).

Tabled — June 22, by Mr. Simpson of Standish.

Pending — Adoption of House Amendment "A" (H-588).

Thereupon, Mr. Simpson of Standish withdrew House Amendment "A".

The same gentleman offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-604) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentledady from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker and Ladies and Gentlemen of the House: May I ask if this amendment will have the corporations pay the whole amount of money or does it split it to somebody else also.

The SPEAKER: The gentle lady from Old Orchard Beach, Mrs. Morin, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: The attempt of the amendment is to equalize or better share the method of paying the inventory tax and still not put a burden on any one person. I think it has been the belief of the business community for some time that the inventory tax ought to be removed in the best interest of business

and therefore, if it does, it has to be picked up some place. As I stated the other day, the intent is to pick it up on the net profits of the different individual businesses and so forth around the state.

I know that the objections will come from people who, such as myself probably, that are real estate brokers who have very little inventory tax, come from professional people and some people say it will force us into corporations where we will take out our salaries. I believe that this will not be the case. I believe that this is a very fair amendment. It does offer the solution to the problem and it should be adopted.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: As an individual member, I wish to state my position on this amendment. First I would like to mention that unlike some of the real estate and professional people in the House, our practice is operated under a corporate form, so we would suffer absolutely no tax under this amendment. I am concerned because it is changed. It is not a tax reduction idea, it is a change in who is going to pay the taxes.

I know there are many things wrong with the inventory tax. I know the inventory tax is borne in part by small merchants, but it is also borne by large merchants like Sears, Roebuck, Porteous, Mitchell and Braun and so on, and I would find it difficult to vote for a tax that would reduce the inventory tax on Sears and Roebuck and other large companies and place that tax on the small businessman.

The one who makes \$15,000 or \$20,000, or \$25,000 or \$30,000 a year, whether he is a physician, real estate broker or a lawyer, in my judgment, will spend the \$200 or \$300 or \$400 it cost to incorporate and he will incorporate and under the meaning of this amendment, he will then pay no tax at all. But the fellow who runs the corner barber shop or if it is a lady, the beauty shop, or the man who fixes

small electric appliances or fixes your lawn mower, the small ordinary service business and the small ordinary merchant in our state will pay a double tax.

For example, if a man makes \$8,000 a year as a barber, working as an employee of another barber he will pay zero under this amendment, but if the man has a little gumption and he wants to take a chance and he goes out and becomes a barber on his own and he starts his own shop and he makes \$8,000, he will pay a tax. That is, to me, discrimination against the person who chooses to be self-employed and isn't of sufficient means and doesn't perhaps have sufficient legal or accounting advice to dodge the tax which can very easily be dodged by forming a corporation. But, again, that costs about \$300 and a small barber, vender of newspapers or something is not apt to do it.

I think this is a rather cruel attempt on the part of certain interests that include big business, although there is some small business involved in it, to switch an unfairness from one side to another. I am not an advocate of the inventory tax, but I am wholeheartedly opposed to taking that inventory tax off the Sears and Roebuck Company and putting part of it on your neighborhood barber.

I hope that this House will reflect what I would judge to be the sentiment of the vast majority of Maine people. Fortunately, and I hope the independent businessman or the small barber or the news vender at the corner store — there are more of him than there are Sears and Roebuck and the giants of that kind, and I hope that we will vote as members of this House to sustain the small businessman.

Again I want to make the point which Representative Simpson alluded to and thoroughly alluded to. It probably won't bother some of the medium size fish, perhaps not one of them, because they have corporations already and the big fish will go along just fine, but it is another case of the real big ones eating some of the very small ones and I don't think that is the way this country or this state was built.

Mr. Speaker, for that reason, I move the indefinite postponement of the amendment and I ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen of the House: I wish to be very fair here today. I have disagreed with the minority leader and I will now disagree with the majority leader.

I have been concerned for many years and it has been a point of concern to many many people for 25 years that I know of, this matter of the inventory tax. I will agree with anyone who claims that it is unfair, that it is poorly used and anyone who disagrees with the inventory tax, I can only go along with them.

I am delighted that the gentleman from Standish, Mr. Simpson withdrew House Amendment "A" because I thought that was terrible and I am beginning to believe that this House Amendment "B" is even worse.

Starting on Friday and out here today before we got going with the session, I have talked with three different lawyers about this and when I say that I have talked to three lawyers out here in the corridor, you realize of course that they are legislative agents. I didn't single them out because I felt that they are one way or the other on it. It was merely that I felt that they would be interested in this type of legislation and would have some knowledge of it. The point that I was asking them, they did not agree on. It was 2 to 3 in my favor, shall we say — two out of three lawyers agreed with me on one particular thing.

This business profit tax is much more all inclusive than it would appear to be in the reading that is given here in the amendment. One example — and by the way, just so no one makes that old mistake that is getting to be a little bit irritating to me, I am not a real estate broker, so I am not involved in this personally in any way. However, all of us, each and every citizen of Maine, whether they are in business or not, are involved with helping to pay for this inventory tax

and it leaves one area that I was trying to find out about. And that is this, if you sell your own house, your own house that you have lived in for a period of a few months, ten years, thirty years, it has been your house for thirty years and you make a profit on that house in excess of \$1,000 after having lived in it for thirty years, it is applicable under this amendment for taxation. One lawyer did not think that this was the truth; two others believed that it was, of course it would ultimately come down to a court decision, I presume, rather this is the case or not.

But I have to agree with the gentleman from Brunswick, Mr. McTeague, that what we are doing is alleviating a tax on large business and placing it on the shoulders of the ordinary citizen of the State of Maine, and that is not the way to cure the problem and I will agree we do have a problem. I hope the motion to indefinitely postpone does prevail.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: This tax would go into effect in 1975 and I realize that there are some little areas where it could probably be cleaned up and assisted in some way.

I think what we are looking at, as the gentleman from Brunswick, Mr. McTeague, was talking about, the little man. You know, we are looking at the little man in this thing just as we are looking at the big man and when he starts talking about the little barber who wants to go out and moonlight on the side and so forth, if you look at this thing, first of all, we are looking at net profit, and that is what comes out on the bottom line of your income tax. And if that comes out, in the event of anybody who makes \$1,000 and under would be exempted and then it is graduated up.

If we look at a businessman, if he pays on an inventory tax, he definitely has to pay on that whether he has a profit or not. He could have had a loss for the year and he still has to pay. The businessmen feel as though they would

rather pay if they have a profit. If they have a big profit this year, then they would pay and pay more; if they have a loss, they would just as soon not have to pay like they have to pay now right on the inventory tax.

I happen to believe that the tax is equitable. As I look at the type of tax, you are talking about inventory. We do not tax a man for what he has in knowledge in his head or the way he can profit as a doctor or a lawyer or a realtor or what have you. Why should we tax a man on what he is carrying in inventory in his store that he has to sell? In other words, he is carrying it there on consignment to begin with in most instances, either that or he has a loan against the bank that he is paying interest on and only to put that item in the store. If he doesn't have it there, you don't see it. So why should we force onto him a certain day of the year a tax just because it is there to be sold.

If every businessman in the state was smart, he wouldn't have a thing in the store up until that period and then come April 1st, let the consumers in the state just not buy anything for awhile. That is the way it could be done, but it is not.

So I say that it is inequitable that they can take the small businessman or the large one, I don't care who he is, and tax him on something that he has for resale which is not his until it is actually sold and this is a method of doing it.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker and Ladies and Gentlemen of the House: I simply have a question I would like to pose to the gentleman from Standish or anyone else who could answer it. Would this business profits tax apply to self-employed people like lobstermen or fishermen?

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: The way I read it, I would stay yes, all businessmen.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to correct what I think was an impression left by the gentleman from Brunswick, Mr. McTeague, when he said that was not on corporations. I think if you will read page two of the amendment, section 21 and section 22A in both instances you would find the law is amended and corporations are now raised from 4 percent to 7 percent. So the corporations are also picking up their 3 percent as well as businesses that are not incorporated. I believe that is the question that I heard from over here. Corporations definitely do pay the tax.

The inventory tax is assessed very unevenly all over the state. It is one of the most regressive taxes we have on the books. The gentleman from Standish has stated the case beautifully. I certainly hope you will not go along with the move to indefinitely postpone this. It is time, after 100 years, that the State of Maine got away from taxing inventories and got into the business of taxing things in the proper way. I hope you will go along with the bill.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker and Ladies and Gentlemen of the House: This bill had a lot of time spent on it in the Taxation Committee of which I am a member. This bill also includes two small bills that I had withdrawn because I felt that this one did the job. It is the fairest thing that we have had come before us this year, and I would hope that we would pass it.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: If the members would have an opportunity to look at the amendment, as suggested by the gentleman from Farmington, they would see that he is absolutely correct. There is an increase

in the corporation income tax. In about the middle of page two of the bill, where the corporation income tax is now 4 per cent, it would become 7 per cent. Of course, you have to have a CPA or a tax lawyer to understand this and I am not either, but I was just down to some good CPA's in Brunswick today to fill out our tax return and they tell us about such things like this and here is the way it goes.

If you are a subchapter S corporation, which for example our office is and which most of your professional men who are incorporated are, you pay no income tax as a corporation either to the State of Maine or to the federal government. A subchapter S corporation is a hybrid. It is a corporation for purposes other than tax, for the purpose of owning shares, transferring shares and so on. It is a corporation for the purpose of paying either the federal or the Maine income tax and there is a specific provision in our Maine income tax on this; it is not a corporation.

I want to emphasize again in a personal vein that this thing wouldn't touch me and maybe 5,000 like me around this state, but it will touch and it will hurt maybe 50,000 of the small people around the state.

The second point I want to make is that this corrects a discriminatory tax and by discriminatory tax, I mean a tax that taxes a man heavier who earns any amount of money—five, six, eight, ten, twenty thousand dollars working for himself than it does the man who earns the exact number of dollars working as an employee of someone else.

We have heard many bills in this and previous legislative sessions characterized as lawyer's bills. Lawyer's bills means bills, presumably that create work and make money for lawyers. To form a simple subchapter S corporation, it costs roughly \$350, \$400 for legal fees and out of pocket disbursements. Any person who is going to suffer a tax on \$350 or \$400 in one or two or three years will see his friendly accountant or his friendly tax lawyer and be-

fore you know it, he will be a subchapter S corporation and he will pay nothing. But again, that won't happen to the barber down at the corner because he only makes \$6,000 a year and figures out his own income tax and can't afford to go to a lawyer. This is class legislation, discriminatory legislation, and although the point made by the gentleman on the increase in the corporation income tax is true, that only applies to corporations that now pay an income tax. And most self-employed or professionals or those in a small partnership are subchapter S's and they won't pay a nickel under this bill.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to direct a question concerning this amendment to either gentleman in the corner.

Would this amendment mean that an individual who runs his own business such as a barber, since we have been using that profession, would he pay once on the state income tax and his federal income tax and have to turn around and pay again a profit tax? I am not quite clear on this.

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: The answer is yes. On his net profit he would pay both the federal and the state income tax, and then he would turn around and pay one, two or three percent again under this bill.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: I would pose a question through the Chair to anyone who might answer it. It is my understanding now that the regular corporations, not the subchapter S, the first \$25,000 you

don't have to pay any tax on, would this still be the same in this bill?

The SPEAKER: The Gentleman from West Gardiner, Mr. Dow, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Members of the House: The answer is no, they would have to pay, from zero up.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: In reference to the question just asked, I would believe there is a federal income tax form for small business corporations where you would be able to have a net profit of \$25,000 and not pay a penny tax under this provision.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker and Members of the House: A couple days ago we debated this question once before and I spoke for this bill. During my campaign on this issue, I have been very interested in this issue as a representative from a border area, as I stated, that many industries, I feel, have gone into New Hampshire which doesn't have an inventory tax. Because of this they have looked at areas in border towns, and I am a great tremendous support of this measure. However, I cannot support this measure with this amendment. I don't like to think this, but I feel perhaps this amendment was put on here to try and kill this bill.

I would hope that you do vote to indefinitely postpone this amendment but not the bill.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind you, this also calls for separate Bureau of Taxation, and also it creates a new State Board of Assessment review; it could be quite expensive.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: To answer one of Mr. McTeague's problems, and I see that he has left his seat, but I would be more than happy to have an amendment prepared to include corporations under subchapter S under this bill so that we would be sure that they pay their fair share. I have no objection to that, and I will see to it personally or at least get to one of my friends in the other body so that they would be included if he feels left out.

Mr. McTeague of Brunswick was granted permission to speak a third time.

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: Those of us who are blessed with sophisticated accountants who take care of that problem very simply, we simply increase our salaries so we don't have any profit, you get zero in your tax. Medium size fish do okay, big fish do wonderful, the poor little guy.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Just to wrap this up, I would like to remind you that this is an exemption bill on inventory taxes. It is a tax reform measure, even though it is a minor one. It is a step in the right direction. There are some areas in it that need cleaning up. We have got time to clean them up. But let's enact this bill.

You are getting an exemption on industrial inventories — I am reading from the bill now — industrial inventories, including raw materials and goods in process. You are getting an exemption on stock in trade, including inventory held for resale by a distributor, agricultural produce and forest products, livestock, including farm animals, meat cattle and fowl, household furniture and so forth, radium used in the practice of medicine, property in the possession of a common carrier while in interstate commerce, vessels built, in

the process of construction, or undergoing repairs, pleasure vessels and boats in the state on the first day of April whose owners are out of state, personal property in another state or country and legally taxed there, and vehicles exempt from excise tax according to Section 1438, snowmobiles, all farm machinery used exclusively in the production of hay and field crops to the aggregate actual market value not exceeding \$5,000, water pollution control facilities. These are the things that are exempt. This is an exemption of these items and not just inventories of business alone.

I trust you will remember that when you cast your vote.

Mr. Simpson of Standish was granted permission to speak a third time.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I won't put an amendment on this particular bill, but I can see that at the special session or maybe another legislature I can see a real good way to take care of the big fish. I think the way we will do it is maybe try to pass a bill through here where they will have to declare their salaries in the beginning of the year and not at the end.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker and Members of the House: I would like to pose a question through the chair to possibly the sponsor of the bill.

Is the bill as reported out of committee and as we have it, is there enough money through the increase from four to six percent and on the surtax of four percent with net income over \$25,000 enough to fund this bill?

The SPEAKER: The gentleman from Brunswick, Mr. LaCharite, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: It is true, I am the sponsor of this document. It is my understanding that if we

were to use a corporate tax loan there would be sufficient revenue.

There is a 2 percent increase in the corporate tax and a surtax on top of that for income or corporations over \$25,000. That bill, if it were drafted that way, would take care of that problem, but a number of people in particularly large corporations, are concerned that this would take an awful lot of the profit, and one in particular has done a great deal of lobbying in opposition to the approach. So I am not sure what the consequences or effect would be if we were to attempt to pass my bill as originally drawn.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker and Ladies and Gentlemen of the House: If the money is in the bill, and the way it is drafted would provide enough funds to meet this bill, I think that is the fair way to do it. Let the person who earns the larger amount of money pay for it and not the little man as Mr. McTeague has suggested.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I just thought I would remind the gentleman from Brunswick, Mr. LaCharite, that as a member of the Education Committee he better be careful. You have got to save a little money for 1994.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Sproul.

Mr. SPROUL: Mr. Speaker and Members of the House: May I pose a question through the Chair to anyone as to how these funds will be redistributed to the municipalities after they have gone through the 80, 60, and 40, and so forth. Is it going to be through state revenue sharing or some other plan?

The SPEAKER: The gentleman from Augusta, Mr. Sproul, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: I think all the gentleman would have to do would be read the bill, but anyway, it goes in this way. The first is going to be set up on a five year plan; the first year the towns will receive directly back 80 percent of their taxes the year before, and 60, and 40 and 20 until it is phased out. At the time of phasing out, the balance will go into the revenue sharing, every year the full amount, and it will be sent to the cities and towns under revenue sharing.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to ask a question of the gentleman from Bridgewater, Mr. Finemore. What happens if we get off the revenue sharing program.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to the gentleman from Bridgewater, Mr. Finemore, who may answer if he wishes.

The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, and Members of the House: To Mr Jalbert of Lewiston, we will have to cross that bridge when we get to it.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: I would like to ask a question of the gentleman from Bridgewater, Mr. Finemore, if I possibly could. What is this 80, 60, 40, 20 going to be based on, the last taxable year or is it going to be kept up to date as the years go along?

The SPEAKER: The gentleman from Waterville, Mr. Carey, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: He hit the nail right on the head, it is

going to be on the last year, not anything in the future.

The SPEAKER: On 1974?

Mr. FINEMORE: He is talking about inventory tax. 1974, well, if that is our last year, but if this took effect it would be 1973.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Brunswick, Mr. McTeague, that House Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bither, Boudreau, Bragdon, Brawn, Carey, Carter, Chick, Chonko, Clark, Connolly, Cooney, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dyar, Emery, D. F.; Farley, Farnham, Faucher, Fecteau, Fraser, Gahagan, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Hobbins, Immonen, Jackson, Jacques, Jalbert, Kelley, Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Mahany, Martin, McCormick, McKernan, McNally, McTeague, Mills, Morin, L.; Morin, V.; Mulhern, Murchison, Murray, Najarian, Palmer, Perkins, Peterson, Pontbriand, Pratt, Rolde, Ross, Santoro, Sheltra, Silverman, Smith, D. M.; Soulas, Sproul, Stillings, Trout, Talbot, Theriault, Tierney, Trumbull, Tyndale, Wheeler, Whitzell, Wood, M. E.; The Speaker.

NAY — Ault, Baker, Birt, Briggs, Bunker, Bustin, Cameron, Carrier, Churchill, Cote, Cottrell, Cressey, Dunn, Farrington, Finemore, Flynn, Garsoe, Good, Haskell, Henley, Hoffses, Huber, Hunter, Kauffman, Kelleher, Maddox, Maxwell,

McHenry, McMahon, Merrill, Morton, Norris, Ricker, Rollins, Shaw, Shute, Simpson, L. E.; Smith, S.; Snowe, Susi, Tanguay, Trask, Walker, Webber, White, Willard.

ABSENT — Brown, Conley, Evans, Ferris, Gauthier, Herrick, Kelley, R. P.; O'Brien.

Yes, 96; No, 47; Absent, 8.

The SPEAKER: Ninety-six having voted in the affirmative and forty-seven in the negative, with eight being absent, the motion does prevail.

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I now move indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves the indefinite postponement of this Bill and all accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: The bill can survive on its own. I would ask you not to vote for indefinite postponement because it is possible that you could do the transfer without creating any problems or going any further.

I certainly hope that you would vote no on the motion.

Mr. Silverman of Calais requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I might tell you that this doesn't amount to much to corporations. It is only going to amount to about a 12 percent tax.

The SPEAKER: The pending question is on the motion of the

gentleman from Waterville, Mr. Carey, that L. D. 1862 and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Berry, G. W.; Birt, Bragdon, Carey, Dam, Donaghy, Dudley, Dunn, Dyar, Emery, D. F.; Fecteau, Gahagan, Good, Hamblen, Hancock, Immonen, Lawry, Lewis, E.; Littlefield, McCormick, McHenry, Palmer, Perkins, Santoro, Theriault, Willard.

NAYS — Albert, Ault, Baker, Berry, P. P.; Berube, Binnette, Bither, Boudreau, Brawn, Briggs, Bunker, Bustin, Cameron, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Davis, Deshaies, Dow, Drigotas, Dunleavy, Farley, Farnham, Farrington, Faucher, Finmore, Flynn, Fraser, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Haskell, Henley, Hobbins, Hoffses, Huber, Hunter, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McKernan, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Parks, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Talbot, Tanguay, Tierney, Trask, Trumbull, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Wood, M. E.

ABSENT — Brown, Evans, Ferris, Gauthier, Herrick, Kelley, R. P.; O'Brien.

Yes, 26; No, 117; Absent, 7.

The **SPEAKER**: Twenty-six having voted in the affirmative and one hundred seventeen in the negative, with seven being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

The Chair laid before the House the second item of Unfinished Business:

Bill "An Act to Redistribute Certain Statutory Powers Now Vested in the Executive Council, to Abolish the Legislative Research Committee, to Create a Statutory Legislative Council, to Provide for Permanent Joint Standing Committees of the Legislature, and to Provide for an Annual Rather than a Biennial State Budget" (S. P. 661) (L. D. 2021) Emergency.

Tabled — June 22, by Mr. Simpson of Standish.

Pending — Passage to be enacted.

On motion of Mr. Simpson of Standish, tabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the first tabled and today assigned matter:

Joint Order Relative to Milk Commission (H. P. 1641).

Tabled — June 22, by Mr. Simpson of Standish.

Pending — Passage.

The **SPEAKER**: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. **EVANS**: Mr. Speaker, Ladies and Gentlemen of the House: I do not think that this order is necessary. We do not need a study of the Milk Commission. We have had all kinds of studies over the years. If they want to put in a bill to do away with it, do it, but I don't think we ought to waste our money on another study.

You go back for the last ten years, we have had a lot of studies on the Milk Commission, and I think the best thing to do is to leave it as it is until you put in a bill to do away with it, no study.

I ask for a division on this motion.

The **SPEAKER**: The Chair recognizes the gentleman from Exeter, Mr. Smith.

Mr. **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House: I talked to several dairy farmers this weekend in reference to this study, and most of the dairy people that I talked to do not object